

1 JONATHAN E. NUECHTERLEIN  
2 General Counsel  
3 JOEL MARCUS  
4 Director of Litigation  
5 LESLIE RICE MELMAN  
6 Assistant General Counsel for Litigation  
IMAD D. ABYAD  
7 Attorney  
FEDERAL TRADE COMMISSION  
600 Pennsylvania Ave., N.W.  
Washington, DC 20580  
Telephone: (202) 326-2375  
Facsimile: (202) 326-2477  
Email: iabyad@ftc.gov

10 *Attorneys for Petitioner Federal Trade Commission*

11  
12 **UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF NEVADA**

14 **FEDERAL TRADE COMMISSION,**  
15 Petitioner,

16 v.

17 **RALPH PAGLIA,**  
18 Respondent.

Case No. 2:14-cv-01480-GMN-CWH

19  
20 **NOTICE OF FEDERAL TRADE COMMISSION**  
21 **FOR WITHDRAWAL OF MOTION FOR ORDER TO SHOW CAUSE**  
22 **AND MOTION TO VACATE ORDER TO SHOW CAUSE AND HEARING**  
**AND ORDER THEREON**

23 The Federal Trade Commission (FTC or Commission) hereby withdraws its  
Motion for an Order to Show Cause (Dkt. 11), and moves this Court to vacate its Order  
24 to Show Cause (Dkt. 15) and the Show Cause Hearing scheduled for April 28, 2015.  
25

1           In support of its motion, the Commission avers as follows:

2       1. On January 6, 2015, the FTC asked this Court to order Ralph Paglia to  
3 show cause why he should not be held in contempt for disobeying this Court's Order of  
4 October 28, 2014, (Dkt. 9), which directed Mr. Paglia to respond—within 14 days of  
5 service—to two Civil Investigative Demands (CIDs) issued by the FTC on May 2 and  
6 June 18, 2014.<sup>1</sup>

7       2. As requested, this Court issued an Order to Show Cause on March 9, 2015  
8 (Dkt. 12).

9       3. The United States Marshal Service, which was directed to serve that order  
10 on Mr. Paglia, filed an “unexecuted” return of service on March 26, 2015 (Dkt. 13). The  
11 return of service showed that the Marshal Service had attempted, but failed, to serve  
12 Mr. Paglia on three occasions.

13       4. On March 31, 2015, this Court re-issued the Order to Show Cause (OSC) at  
14 the FTC's request, scheduling a hearing for Tuesday, April 28, 2015. (Dkt. 15).

15       5. The Marshal Service again attempted to serve the OSC on Mr. Paglia, but  
16 was unable to do so. It filed an “unexecuted” return of service of the OSC on April 17,  
17 2015 (Dkt. 17). The amended return of service filed on April 21, 2015 (Dkt. 18), details  
18

---

19       22       <sup>1</sup> The CIDs required Mr. Paglia to provide documents, answer interrogatories, and give  
20 oral testimony. They were duly issued in the course of a Commission investigation into  
21 whether he participated in an alleged group boycott of TrueCar, Inc.—an automotive  
22 marketing firm—in violation of Section 5 of the Federal Trade Commission Act, 15  
23 U.S.C. § 45. Mr. Paglia failed to respond to the two CIDs, prompting the FTC to seek  
24 the aid of this Court in enforcing the Commission process.

1 the extensive, but unavailing, efforts that the Marshal Service has undertaken to find  
2 and serve Mr. Paglia.

3 To allow it the time to consider its options in light of this inability to effectuate  
4 service of process, the FTC hereby withdraws its motion for an order to show, and asks  
5 that this Court vacate its OSC of March 31, 2015, and the hearing scheduled for April  
6 28, 2015.

8 Respectfully submitted,

9  
10 JONATHAN E. NUECHTERLEIN  
General Counsel

11 JOEL MARCUS  
12 Director of Litigation

13 LESLIE RICE MELMAN  
14 Assistant General Counsel for Litigation

15 /s/ Imad Abyad \_\_\_\_\_  
16 IMAD D. ABYAD  
Attorney

17 FEDERAL TRADE COMMISSION  
18 600 Pennsylvania Ave., N.W.  
19 Washington, DC 20580  
20 Tel.: (202) 326-2375  
Fax: (202) 326-2477  
Email: iabyad@ftc.gov

21 Dated: April 23, 2015.

22 IT IS SO ORDERED.

23  
24  
25 Gloria M. Navarro, Chief Judge  
26 United States District Court